

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Clarksburg**

**STATE OF OHIO,
STATE OF COLORADO,
STATE OF ILLINOIS,
STATE OF NEW YORK,
STATE OF NORTH CAROLINA,
STATE OF TENNESSEE, and
STATE OF WEST VIRGINIA,**

Plaintiffs,

v.

CIVIL ACTION NO. 1:23-CV-100
Judge Bailey

**NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,**

Defendant.

ORDER

Pending before this Court is Plaintiff States' Motion for Leave to Serve Expedited Discovery Requests [Doc. 54], filed December 14, 2023. Therein, Plaintiff States request leave to serve eight (8) Requests for Documents [Doc. 54-1] on the NCAA as soon as possible. In support, Plaintiff States state their proposed requests "are more than reasonable" and "the discovery requests seek only documents that the NCAA has in its possession and that directly relate to the pending preliminary-injunction motion." [Doc. 54 at 2].

Generally, a party seeking expedited discovery must show good cause or reasonableness for doing so. See *Dimension Data N. Am., Inc. v. Netstar-1*, 226 F.R.D.

528, 531 (E.D. N.C. 2005) (Flanagan, C.J.); see also *Pod-Ners, LLC v. N. Feed & Bean of Lucerne Ltd. Liab. Co.*, 204 F.R.D. 675, 676 (D. Colo. 2002) (“Rule 26(d), Fed. R. Civ. P., allows me to order expedited discovery upon a showing of good cause.”). Furthermore,

[f]actors commonly considered in determining the reasonableness of expedited discovery include, but are not limited to: “(1) whether a preliminary injunction is pending; (2) the breadth of the discovery requests; (3) the purpose for requesting the expedited discovery; (4) the burden on the defendants to comply with the requests; and (5) how far in advance of the typical discovery process the request was made.”


Disability Rights Council of Greater Wash. v. Wash. Metro. Area Transit Auth., 234 F.R.D. 4, 6 (D. D.C. 2006) (quoting *In re Fannie Mae Derivative Litig.*, 227 F.R.D. 142, 143 (D. D.C. 2005) (Leon, J.)).

Upon consideration of Plaintiff States’ arguments and the hearing scheduled on preliminary injunction in just under two (2) weeks, this Court will **GRANT [Doc. 54]** the Motion for expedited discovery. Plaintiff States are **GRANTED LEAVE** to serve the attached eight (8) Requests for Documents [Doc. 54-1] on the NCAA. The NCAA has until on or before **December 21, 2023** in which to produce the documents.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: December 15, 2023.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE